



WESTMONT PUBLIC LIBRARY

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westmontlibrary.org

Providing the community with the keys to lifelong learning.

Sexual and Workplace Harassment Policy

It is the policy of the library to maintain a work environment free from all forms of harassment and discrimination and to insist that all employees be treated with dignity, respect, and courtesy. It will be a violation of library policy for any employee to harass or discriminate against another individual in the workplace based upon race, color, religion, sex, pregnancy, national origin, age, mental or physical disability, genetic information, ancestry, sexual orientation, transgender status, veteran status, military status, marital status, order of protection status or any other protected category as defined by applicable law. The library will not tolerate harassment of library employees by anyone, including any manager, co-worker, vendor, patron, contractor, or other visitor of the library. For employees, violation of this policy shall be considered grounds for disciplinary action up to and including dismissal. For non-employees, appropriate action will be taken.

Sexual and Workplace Harassment / Definitions of Harassment

Inappropriate conduct in the workplace, based upon an individual's race, color, religion, sex, national origin, age, pregnancy, mental or physical disability, ancestry, sexual orientation, transgender status, veteran status, military status, marital status, order of protection status or any other protected category as defined by applicable law that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

The conduct forbidden by this policy specifically includes, but is not limited to: (a) epithets, slurs, negative, stereotyping, or intimidating acts that are based on a person's protected status; and (b) written or graphic material circulated within or posted within the workplace that shows hostility toward a person or persons because of their protected status.

Sexual harassment means any unwelcome sexual advances or requests for sexual favors, or any conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment

Examples of conduct which could be considered harassment include:

- Persistent unwelcome flirting, pressure for dates, sexual comments or touching
- Suggestive jokes or gestures directed toward another based on sex, race, gender, national origin, religion, disability, pregnancy, age, veteran status, military status, and any other category protected by state or federal law

- Racially or sexually oriented comments about another
- Preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct or based on sex, race, gender, national origin, religion, disability, pregnancy, age, military status, and any other category protected by State or Federal law
- The open display of sexually oriented calendars, computer screens, pictures, posters, or other material offensive to others

Sexual and Workplace Harassment / Reporting Complaints

Any individual who believes that he or she has been subjected to harassment or discrimination as prohibited by this policy or who has witnessed harassment or discrimination, shall immediately notify his or her manager. The manager shall notify the Library Director and will complete a complaint form. If the person to whom the employee is directed to report is the offending person, the report should be made to the next highest level of supervision. If the complaint is directed towards the Library Director, the report should be submitted to the Library Board President. All reports of alleged harassment will be kept confidential to the extent consistent with the library's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred. Complaints of alleged harassment will be reviewed by the Library Director and/or the Board President and an investigation initiated promptly.

If the complainant or the accused is not satisfied with the disposition of the investigation, he/she may submit in writing an appeal to the Board of Trustees, who will review the investigation report and make a final decision. The Library Board may conduct a further investigation if necessary.

Sexual and Workplace Harassment / Discipline

Any employee who is determined, after an investigation, to have engaged in harassment, in violation of this policy, will be subject to disciplinary action up to and including dismissal. No action will be taken against employees who lodge good faith complaints of harassment.

Sexual and Workplace Harassment / Prohibition on Retaliation for Reporting Complaints

Reporting harassment, discrimination or retaliation, or participating in an investigation will not reflect adversely upon an individual's status or affect future employment. Any employee who retaliates against another for exercising his/her rights under this policy shall be subject to discipline up to and including dismissal.

Sexual and Workplace Harassment / Whistleblower Compliance

A whistleblower as defined by this policy is an employee of the Westmont Public Library who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this policy. An example of an illegal or dishonest activity is a violation of federal, state or local laws or financial wrongdoing. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact the Library Director or the Board of Trustees.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The library will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as dismissal, compensation decreases, or poor work

assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Library Director/designee immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Library Director who is responsible for investigating and coordinating corrective action, or his/her designee, in the event he/she is the accused. Employees with any questions regarding this policy should contact the Library Director.

Sexual and Workplace Harassment / Resolution Outside the Library

The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every complaint and incident so that problems can be identified and remedied internally. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days. In addition, an appeal process is available through the Illinois Human Rights Commission, (IHRC) after IDHR has completed its investigation of the complaint. Where the employing entity has an effective sexual harassment policy in place and the complaining employee fails to take advantage of that policy and allow the employer an opportunity to address the problem, such an employee may, in certain cases, lose the right to further pursue the claim against the employer. An employee, who is suddenly transferred to a lower paying job or passed over for promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge, also due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

Administrative Contacts:

- Illinois Department of Human Rights (IDHR)
- Chicago: 312-814-6200 or 800-662-3942; TTY: 866-740-3953
- Springfield: 217-785-5100; TTY: 866-740-3953
- Marion: 618-993-7463; TTY: 866-740-3953

Illinois Human Rights Commission (IHRC)

- Chicago: 312-814-6269; TTY: 312-814-4760
- Springfield: 217-785-4350; TTY: 217-557-1500

United States Equal Employment Opportunity Commission (EEOC)

- Chicago: 800-669-4000; TTY: 800-869-8001

Dissemination

The Library shall take reasonable measures to assure that employees are informed of this policy and procedure by inclusion in the Employee Handbook and by posting. A copy is also available in Human Resources.

Sexual and Workplace Harassment / Consequences for Knowingly Making A False Complaint

A false report is a report of sexual harassment made by an accuser to accomplish something other than stopping sexual harassment or retaliation for reporting sexual harassment. Employees must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including dismissal.

Sexual and Workplace Harassment / Reasonable Accommodations

The library supports the Americans with Disabilities Act as Amended and will attempt to provide reasonable accommodations for people with disabilities in the workplace and women affected by pregnancy, childbirth or related conditions unless such accommodations would present an undue hardship for the library. Reasonable accommodations apply to all employees and include hiring practices, job placement, training, pay practices, promotion and demotion policies, and layoff and dismissal procedures. A qualified person with a disability is any individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job the individual has or wants, and does not pose a direct threat to the health or safety of himself /herself or other individuals in the workplace. A qualified person eligible for an accommodation may also include a woman who is affected by pregnancy, childbirth or related conditions. Contact the Library Director for further clarification regarding reasonable accommodation or to request a reasonable accommodation in the workplace.